

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL J MCKENNA, DARLA M  
MCKENNA,

Plaintiffs,

v.

HOME DEPOT USA INC,

Defendant.

CASE NO. C21-5038 MJP

ORDER DENYING STIPULATED  
MOTION TO CONTINUE

This matter comes before the Court on the Parties' Stipulated Motion to Continue the Trial Date and Amend the Case Schedule. (Dkt. No. 15.) Having reviewed the Motion and the remaining record, the Court DENIES the Motion without prejudice.

The Parties request a three-month extension of all case deadlines and the trial date in this matter on the theory that they cannot complete discovery before the deadline expires on November 26, 2021. The Parties claim they need more time to obtain medical records related to a surgery that Plaintiff Michael McKenna underwent and his employment records, which the

1 Parties' experts may wish to review. (Dkt. No. 15 at 2.) The Parties also identify their desire to  
2 engage in alternative-dispute resolution as a reason for the continuance.

3 To obtain an amendment to a scheduling order, the movant must demonstrate good cause.  
4 See Fed. R. Civ. P. 16(b)(4). "Rule 16(b)'s 'good cause' standard primarily considers the  
5 diligence of the party seeking the amendment." Johnson v. Mammoth Recreations, Inc., 975 F.2d  
6 604, 609 (9th Cir. 1992). "The district court may modify the pretrial schedule 'if it cannot  
7 reasonably be met despite the diligence of the party seeking the extension.'" Id. (quoting Fed. R.  
8 Civ. P. 16 Adv. Comm. Notes (1983 amendment)).

9 On the record before it, the Court does not find good cause to continue the trial date and  
10 amend the case schedule. The Parties have not identified when McKenna's surgery occurred,  
11 when the medical and employment records were requested, and when they expect the production  
12 of these documents to be completed. It remains unclear why all of the case deadlines and the trial  
13 date would necessarily be impacted by the upcoming production of records, particularly where  
14 the discovery deadline does not expire until November 26, 2021. Nor does the Parties' desire to  
15 engage in mediation serve as a basis to extend any of the case deadlines. The Court does not  
16 require mediation and the Parties' wish to do so will not serve as good cause to extend or impact  
17 the Court's case schedule. On this record, the Court does not find any basis on which to grant the  
18 requested extension of the case deadlines or trial date. The Court DENIES the Motion but will  
19 consider a renewed motion that adequately responds to the issues identified in this Order.

20 The clerk is ordered to provide copies of this order to all counsel.

21 Dated September 22, 2021.

22 

23 Marsha J. Pechman  
24 United States Senior District Judge